

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 26, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Absent, Douglas, Pickett, Shannon. Prayer by the Chaplain. Journal of yesterday read and approved.

Message from the House informing the Senate the House have passed Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Senate bill No. 101, "An Act for the relief of J. H. Hallanquist."

Senate bill No. 130, "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home."

Also House bill No. 458, "An Act to create the county of Neches."

House bill No. 60, "An Act to incorporate the Agricultural and Mechanical Association of Northeastern Texas."

House bill No. 459, "An Act to incorporate the town of Springfield."

House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

Also enrolled bill "An Act to incorporate the Trans-Continental Railroad Company."

Signed by the President and returned to the House.

PETITION AND MEMORIALS.

By Senator Saylor—Memorial of Mary A. Hale, asking for relief.

Read and referred to Committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Counties and County Boundaries.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your committee on Counties and County Boundaries, to whom was referred Senate bill No. 262, entitled an Act to change the boundary lines of Burleson and Brazos counties, have duly considered the same and hereby return it, recommending its passage.

J. G. BELL, Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 272, entitled "An Act to incorporate the North Texas Manufacturing Company," have had the same under consideration and respectfully report the same back, with the following amendment, and recommend its passage.

Amend by striking out section ten.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your committee on Internal Improvement, to whom was referred Senate bill No. 267, entitled "An Act to Incorporate the Hempstead, Eastern and Western Railway Company," have carefully considered the same, and most respectfully report it back to the Senate with the accompanying amendment, and recommend its passage:

Amend, by stopping at Belleville for three years; provided, the Narrow Gauge is not there at the expiration of that time; then to proceed as in section two to Lagrange.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 238, entitled "An Act to Incorporate the United States and Mexico Railroad Company," have duly considered the same, and most respectfully report herewith a substitute, with the following amendments, and recommend its passage.

Amend, by striking out in section five, line ten, commencing after

the word "etc.," with the word, "all of which shall be exempt from taxation."

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Education :

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. DON CAMPBELL,
President of the Senate :

Your Committee, to whom was referred Senate bill No. 274, entitled "An Act to incorporate Troupe Seminary," also Senate bill 275, entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary," have had the same under consideration, and beg leave to report the following substitutes, and recommend their passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 26, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointments, to-wit :

R. E. Borden, for Judge of the District Court for the Second District.

C. T. Garland, for Judge of the District Court for the Seventh District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Report of Committee on Engrossment :

The Hon. DON CAMPBELL,
President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 138, "To change the name of Anna O. Donnell to Anna Rowe," also Senate bill No. 178, "To incorporate the San Antonio Shooting Company," also Senate bill No. 226, "To incorporate the Navasota, Washington and Brazos Bridge Company," and Senate bill No. 287, "To authorize the county court of the

county of Cherokee to levy a special tax for the payment of jail expenses," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.
E. L. DOHONEY,

BILLS AND RESOLUTIONS.

By Senator Mills: "A bill to incorporate the Navasota Narrow Gauge Railroad Company."

Read first time, and referred to Committee on Internal Improvements.

By Senator Bell: "An Act to legalize the levying and collecting of a special tax in Austin county in accordance with military order No. 41."

Read first time, and referred to Committee on Judiciary.

Also, an act entitled "An Act to regulate the sale of spirituous liquors in the State of Texas."

Read first time, and referred to Committee on Judiciary.

By Senator Baker: A bill to be entitled "An Act declaring that the time between the date of the ordinance of secession, and the acceptance by the Congress of the United States of the Constitution of the State, shall not be counted or reckoned against railroad companies."

Read first time, and referred to Committee on Internal Improvements.

On motion of Senator Ruby the following resolution was called up:

Resolved, That the rules of order of the Senate be and are hereby amended by the following addition to the order of business: After order four, page five, add, "fifth, reading of Senate bills third time; sixth, reading of Senate bills second time; seventh, reading bills from House of Representatives passed to third reading; eighth, reading House of Representatives' bills the second time; ninth, message from House of Representatives."

On motion of Senator Bowers it was referred to a select committee of three.

The Chair appointed on said committee, Senators Bowers, Parsons and Ruby.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,

Austin, Texas, July 28, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to wit:

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Samuel Dodge for Judge of the Criminal District Court of Galveston and Harris counties.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Senator Bell offered the following resolution :

Resolved, That the Sergeant-at-Arms is hereby directed to inform the county authorities of the annoyance of a crazy man who haunts the capitol building day and night, and see that this unfortunate person is taken care of.

Adopted.

[General File.]

Senate bill No. 24, "An Act to make valid the official acts of certain surveyors."

Bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed.

On motion of Senator Dohoney the rules were suspended to take up House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time and passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named."

Bill read first time.

Rules suspended, bill read second and third time and passed.

On motion of Senator Fountain the rules were suspended to take up House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Clarke, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Broughton, Hall, Mills, Pickett—4.

Bill passed.

Message from the House informing the Senate the Speaker had

signed in open session enrolled bill, "An Act to authorize John J. Blenkinship to erect a toll bridge over Tehuacana Creek, in the county of McLennan, Texas."

Enrolled bill, "An Act to incorporate the Bayou City Bank."

Enrolled bill, "An Act to incorporate Pennington College."

Enrolled bill, "An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College, in Trinity county, Texas. whereupon they were signed by the President and returned to the House.

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 98, "An Act for the relief of E. M. Heath and others."

Bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, . Bell, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Broughton, Douglas, Latimer, Pickett—4.

Bill passed.

Under direction of the President, the Secretary carried to the House Senate bill No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe;" Senate bill No. 178, "An Act to incorporate the San Antonio Shooting Company;" Senate bill No. 226, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company;" Senate bill No. 287. "An Act to authorize the county court of Cherokee county to levy a special tax for the payment of jail expenses."

Also, House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston;" House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston;" House bill No. 331, "An Act to incorporate the Liberty County, Texas, Agricultural, Mechanical and Blood Stock Association," with amendments.

On motion of Senator Priest the special committee appointed to draft a school bill was allowed further time.

Senator Flanagan moved the consideration of the Governor's veto on Senate bill No. 11, "An Act for the relief of the East Texas Railroad Company," be made the special order for to-morrow at 11½ A. M.

Carried.

[Senator Flanagan in the chair.]

On motion of Senator Parsons the rules were suspended to take up House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken:

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—25.

Nays—None.

Absent—Mr. President, Hall, Saylor—3.

Bill passed.

Special order:

The hour for special order having arrived, House bill No. 167, entitled "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

Bill read third time.

[President resumed the Chair.]

Senator Pickett offered the following amendment: Strike out all after the fourth section.

Lost.

The question recurring upon the final passage of House bill No. 167, yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Broughton, Clarke, Cole, Gaines, Hall, Latimer, Pickett, Priest—8.

Bill passed.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio."

House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named."

House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to

Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

On motion of Senator Hall the rules were suspended to take up Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof."

Bill read third time.

On motion of Senator Bowers the Senate went into executive session.

IN SENATE.

[Senator Ruby in the Chair.]

By leave, Senator Parsons introduced "An Act amendatory to an act to expedite the construction of the Southern Pacific Railroad."

Bill read first time.

Rules suspended, bill read second time.

[President resumed the Chair.]

Senator Gaines moved to strike out section four.

Carried.

Passed to engrossment; on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Gaines, Hall, Hertzberg, Priest—4.

Absent—Latimer.

Bill passed.

Senator Fountain offered the following resolution:

Resolved, That J. P. Douglas, Senator from sixth district is hereby granted thirty days' leave of absence to date from August first, proximo.

Adopted.

Senator Bowers moved the Senate adjourn to 10 o'clock A. M. to-morrow.

Yeas and nays taken:

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Gaines, Mills, Pickett—11.

Nays—Mr. President, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Petit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—16.

Absent—Latimer.

Lost.

Senator Fountain moved to adjourn till 8 o'clock P. M.

Yeas and nays taken :

Yeas—Mr. President, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon---16.

Nays—Baker, Bell, Bowers, Broughton, Clark, Cole, Gaines, Mills, Parsons, Pickett, Pridgen---11.

Absent---Latimer.

Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, July 26, 1870.

EVENING SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent—Bowers, Clark, Gaines, Hertzberg, Parsons, Pickett, Rawson.

On motion of Senator Baker the rules were suspended to take up House bill No. 6, "An Act to amend the seventy-first and ninety-second sections of 'An act to regulate proceedings in the district courts,' " approved May 13, 1846.

Read first time and referred to Committee on Judiciary.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 177, "An Act for the relief of Harvey W. Moore."

Bill read first time; rules suspended and bill read second time; rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Pickett, Rawson—8.

Bill passed.

On motion of Senator Broughton the rules were suspended to take up House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

Bill read first time; rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—19.

Nays—Mills.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Rawson, Pickett—8.

Bill passed.

On motion of Senator Shannon, the rules were suspended to take up Senate bill No. 210, "An Act restricting the sale of vinous and

spirituous liquors within the immediate vicinity of Caddo Grove Seminary.

Report of committee and substitute adopted.

Read second time and passed to engrossment.

Rules suspended and bill read third time and passed.

On motion of Senator Flanagan, the rules were suspended to take up Senate bill No. 100, "A bill making an appropriation for the relief of A. H. Cook."

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Parsons, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Hertzberg, Gaines, Latimer, Petit, Pickett, Rawson—8.

Bill passed.

On motion of Senator Fountain, the rules were suspended to take up House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

Read first time.

Rules suspended. Bill read second time.

Senator Fountain offered the following amendment:

Amend section one by inserting in the blank, after the words "margin of the Rio Grande, at the," the word "southeast" before the word "corner."

Adopted.

Rules suspended, bill read third time and passed.

Senator Saylor asked leave to introduce the following bill:

Leave granted.

"An Act appropriating \$1500 for repairs on Treasury buildings."

Read first time, and referred to Committee on Finance.

On motion of Senator Mills the rules were suspended to take up House bill No. 98, "An Act to extend the time for the location of certain land certificates.

Rules suspended, bill read first time; rules suspended, bill read second time, and on motion of Senator Priest, was referred to Committee on Judiciary.

On motion of Senator Broughton the rules were suspended to take up Senate bill No. 272, "An Act to incorporate the North Texas Manufacturing Company," with amendment, striking out section ten.

Report of committee read and adopted; bill read second time.

Senator Pridgen offered the following amendment:

Amend section one, last line, by striking out, after the word "shall," the words "be perpetual," and insert, "exist for thirty years."

Adopted.

Bill as amended passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Pickett, Rawson—8.

Bill passed.

By leave Senator Douglas introduced the following bill:

A bill to be entitled "An Act to incorporate the Belzora Navigation Company."

Read first time and referred to Committee on Internal improvements.

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 262, "An Act to change the boundary line of Burleson and Brazos counties."

Bill read second time and passed to engrossment.

Rules suspended and bill read third time and passed.

On motion of Senator Priest the rules were suspended to take up House bill No. 548, "An Act to create the county of Neches," read first time; rules suspended, bill read second time.

Senator Saylor moved to amend by striking out the word "Neches" of the county wherever it occurs and insert "Lincoln."

Yeas and nays called for:

Yeas—Mr. President, Baker, Ford, Fountain, Hall, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor—11.

Nays—Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Priest, Pyle—9.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Pickett, Rawson, Shannon—8.

Adopted.

Senator Priest moved the bill be referred to Committee on Counties and County Boundaries.

Carried.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 160, "An Act amendatory of and supplementary to

an act to incorporate the Young Men's Real Estate and Building Association of Houston," with amendment:

Strike out section two.

Report of committee and amendment adopted, and bill read the second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken:

Yeas--Mr. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Parsons, Pettitt, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--20.

Nays--None.

Absent--Bowers, Broughton, Clark, Gaines, Hertzberg, Latimer, Pickett, Rawson---8.

Bill passed.

Senator Pettit offered the following resolution:

Resolved, That with a view to facilitating the business of the evening sessions, and of affording to Senators equal opportunities of calling up bills, that hereafter the Secretary shall call the names of Senators as they appear upon the roll, and as each Senator's name is called he will be entitled to call up *one* bill. The calling of the roll shall commence every evening where it was left off the preceding evening.

Adopted.

On motion of Senator Baker the Senate adjourned.
